

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

WILLIE SINGLETON, 07B3397,

Petitioner,

-v-

WILLIAM LEE,

Respondent.



DECISION AND ORDER
11-CV-6293CJS

On June 14, 2011, petitioner, Willie Singleton, an inmate of a state correctional facility, filed a *pro se* petition under 28 U.S.C. § 2254 with respect to a judgment of conviction entered on November 27, 2007, in Ontario County, New York. This is petitioner's second or successive petition with respect to the same judgment of conviction. Petitioner's previous § 2254 petition was filed in the Western District under civil number 09-CV-6654.

According to 28 U.S.C. § 2244, before a district court may entertain a second or successive application for a writ of habeas corpus filed pursuant to § 2254, the petitioner must have first requested and obtained an order from the appropriate court of appeals which authorizes the filing of such a second or successive petition. The petition herein has not been so authorized. Therefore, in the interests of justice and pursuant to 28 U.S.C. § 1631, this petition shall be transferred to the Second Circuit Court of Appeals for a determination of the authorization issue. *See Liriano v. United States of America*, 95 F.3d 119 (1996).

IT HEREBY IS ORDERED, that the petitioner's § 2254 petition is transferred to the Second Circuit Court of Appeals.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "David G. Larimer", written over a horizontal line.

DAVID G. LARIMER
United States District Judge

DATED: June 22, 2011
Rochester, New York